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22428	7590	04/29/2008	EXAMINER	
FOLEY AND LARDNER LLP			TORRES, MARCOS L	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/538,667	Applicant(s) KATO, HIDENORI	
	Examiner MARCOS L. TORRES	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 June 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6-10-05, 4-14-06</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

2. The information disclosure statement (IDS) filed on 4-14-06 and 6-10-05 are being considered by the examiner.

Drawings

3. The drawings are objected to because figure 2 does not have a legend to identify the items 11, 12, 13 and 14. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required

corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

4. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claims 1-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson 6912390 in view of Bjelland 6879820.

As to claim 1, Anderson discloses a method of setting cell information to set cell information in a radio access network (see fig. 3 and 4) provided with a radio network controller 26 accommodating at least one radio base station 28, said radio network controller being physically divided into a control-plane processing device and at least one user-plane processing device (see col. 12, line 50 – col. 13, line 29; col. 15, lines 31-61), wherein said control-plane processing device performs the control plane process (see col. 16, line 58 – col. 17, line 19), and said user-plane processing device performs the user plane process under control of said control-plane processing device (see col. 9, lines 1-35; col. 10, lines 37-63) cell information being the information to be held in common with said user-plane processing device that is under control of said control-plane processing device (see col. 17, lines 29-59). Anderson does not specifically disclose a first step of holding in advance at least one item in said control-plane processing device, said cell information being the information to be held in common with said user-plane processing device that is under control of said control-plane processing device, a second step of requesting said cell information from said user-plane processing device to said control-plane processing device, and a third step of notifying said cell information to be held in common in both of said control-plane processing device and said user-plane processing device from said control-plane processing device to said user-plane processing device that has requested said cell information. In an analogous art, Bjelland discloses a radio network controller being

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physically divided into a control-plane processing device and at least one user-plane processing device (see abstract) comprising: a first step of holding in advance at least one item in said control-plane processing device, said information being the information to be held in common with said user-plane processing device that is under control of said control-plane processing device (see col. 8, lines 4-14), a second step of requesting said cell information from said user-plane processing device to said control-plane processing device (see col. 8, lines 15-24), and a third step of notifying said cell information to be held in common in both of said control-plane processing device and said user-plane processing device from said control-plane processing device to said user-plane processing device that has requested said cell information (see col. 10, lines 10-32). Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to combine these teachings for the simple purpose of facilitating the network communication.

As to claim 2, Anderson discloses a method of setting cell information (see col. 17, lines 29-59). Anderson does not disclose wherein said user-plane processing device requests said information when its startup process is completed in the second step. In an analogous art, Bjelland discloses wherein said user-plane processing device requests said information when its startup process is completed in the second step (see col. 10, lines 10-32). Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to combine these teachings for the simple purpose of facilitating the network communication.

As to claim 3, Anderson discloses a method of setting cell information wherein said cell information includes the information to be set with regard to every cell to be covered by said radio base station (see col. 8, lines 43-59).

As to claim 4, Anderson disclose a method of setting cell wherein said cell information notified in said third step is deployed in said user-plane processing device on a cell-by-cell basis (see col. 10, lines 1-24).

As to claim 5, Anderson discloses method of setting cell information to set cell information in a radio access network (see fig. 3 and 4) provided with a radio network controller 26 accommodating at least one radio base station 28, said radio network controller being physically divided into a control-plane processing device and at least one user-plane processing device (see col. 12, line 50 – col. 13, line 29; col. 15, lines 31-61), wherein said control-plane processing device deals with the control plane process, and said user-plane processing device performs the user plane process under control of said control-plane processing device (see col. 9, lines 1-35; col. 10, lines 37-63) cell information being the information to be held in common with said user-plane processing device that is under control of said control-plane processing device (see col. 17, lines 29-59). Anderson does not specifically disclose a first step of holding at least one item of cell information in said control-plane processing device in advance, said cell information being the information to be held in common with said user-plane processing device that is under control of said control-plane processing device, a second step of said control-plane processing device to decide on the user-plane processing device to transmit said cell information, and a third step of notifying said cell information, to be

held in common in both of said control-plane processing device and said user-plane processing device, from said control-plane processing device to said user- plane processing device to which said cell information is to be sent. In an analogous art, Bjelland discloses a radio network controller being physically divided into a control-plane processing device and at least one user-plane processing device (see abstract) comprising: a first step of holding in advance at least one item in said control-plane processing device, said information being the information to be held in common with said user-plane processing device that is under control of said control-plane processing device (see col. 8, lines 4-14), a second step of requesting said cell information from said user-plane processing device to said control-plane processing device (see col. 8, lines 15-24), and a third step of notifying said cell information to be held in common in both of said control-plane processing device and said user-plane processing device from said control-plane processing device to said user- plane processing device that has requested said cell information (see col. 10, lines 10-32). Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to combine these teachings for the simple purpose of facilitating the network communication.

As to claim 8, Anderson discloses radio access network (see fig. 3 and 4) having a radio network controller 26 for controlling at least one radio base station 28, said radio network controller being physically divided into a device that deals with the control plane process and at least one device that performs the user-plane process, (see col. 12, line 50 – col. 13, line 29; col. 15, lines 31-61) comprising: at least one user-plane processing

device that takes partial charge of the process to be executed by said user-plane under control of said device that deals with the process to be executed by a control plane, and a control-plane processing device that takes partial charge of said control plane process (see col. 9, lines 1-35; col. 10, lines 37-63), cell information to be held in common with said at least one user-plane processing device that is under control of the control-plane processing device (see col. 17, lines 29-59). Anderson does not specifically disclose holds in advance at least one item of cell information to be held in common with said at least one user-plane processing device that is under control of the control-plane processing device when said cell information is requested from any of said at least one user-plane processing device, notifies the item of cell information to be held in common with said relevant user-plane processing device to the relevant user-plane processing device. In an analogous art, Bjelland discloses a radio network controller being physically divided into a control-plane processing device and at least one user-plane processing device (see abstract) holds in advance at least one item of cell information to be held in common with said at least one user-plane processing device that is under control of the control-plane processing device(see col. 8, lines 4-14), and when said cell information is requested from any of said at least one user-plane processing device (see col. 8, lines 15-24), notifies the item of cell information to be held in common with said relevant user-plane processing device to the relevant user-plane processing device (see col. 10, lines 10-32). Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to combine these teachings for the simple purpose of facilitating the network communication.

As to claim 12, Anderson discloses radio access network (see fig. 3 and 4) having a radio network controller 26 for controlling at least one radio base station 28, said radio network controller being physically divided into a device that deals with the process of a control plane (see col. 12, line 50 – col. 13, line 29; col. 15, lines 31-61), and at least one device that performs the process of an user-plane, comprising: at least one user-plane processing device that takes charge of the process of said user-plane under control of said device that deals with the control plane process, and a control-plane processing device that takes charge of said control plane process (see col. 9, lines 1-35; col. 10, lines 37-63), cell information to be held in common with said user-plane processing device that is under control of said control-plane processing device (see col. 17, lines 29-59). Anderson does not specifically disclose decides a user-plane processing device to notify said cell information, and notifies said cell information to be held in common with the relevant user-plane processing device to the relevant user-plane processing device. In an analogous art, Bjelland discloses a radio network controller being physically divided into a control-plane processing device and at least one user-plane processing device (see abstract) holds in advance at least one item of cell information to be held in common with said at least one user-plane processing device that is under control of the control-plane processing device(see col. 8, lines 4-14), and when said cell information is requested from any of said at least one user-plane processing device (see col. 8, lines 15-24), notifies the item of cell information to be held in common with said relevant user-plane processing device to the relevant user-plane processing device (see col. 10, lines 10-32). Therefore, it would have been

obvious to one of the ordinary skills in the art at the time of the invention to combine these teachings for the simple purpose of facilitating the network communication.

As to claim 15, Anderson discloses radio access network (see fig. 3 and 4) radio network controller 26, physically divided into a device that deals with the process of a control plane and at least one device that performs the process of a user-plane, and adapted for controlling a radio base station 28, comprising at least one user-plane processing device that takes charge of the process of said user-plane under control of said device that deals with the process of said control plane, and a control-plane processing device that takes charge of said process of said control plane(see col. 12, line 50 – col. 13, line 29; col. 15, lines 31-61; col. 9, lines 1-35; col. 10, lines 37-63) cell information to be held in common with said at least one user-plane processing device and when any of said at least one user-plane processing device requests notifying said cell information (see col. 17, lines 29-59). Andesron does not specifically disclose holds in advance cell information to be held in common with said at least one user-plane processing device and when any of said at least one user-plane processing device requests notifying said cell information, notifies the item of cell information to be held in common with said relevant user-plane processing device to said relevant user-plane processing device. In an analogous art, Bjelland discloses a radio network controller being physically divided into a control-plane processing device and at least one user-plane processing device (see abstract) holds in advance at least one item of cell information to be held in common with said at least one user-plane processing device that is under control of the control-plane processing device (see col. 8, lines 4-14), and

when said cell information is requested from any of said at least one user-plane processing device (see col. 8, lines 15-24), notifies the item of cell information to be held in common with said relevant user-plane processing device to the relevant user-plane processing device (see col. 10, lines 10-32). Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to combine these teachings for the simple purpose of facilitating the network communication.

As to claim 19, Anderson discloses radio network controller (see fig. 3 and 4, item 26), physically divided into a device that deals with the process of a control plane and at least one device that performs the process of a user-plane (see col. 12, line 50 – col. 13, line 29; col. 15, lines 31-61), and controlling a radio base station, comprising at least one user-plane processing device that takes charge of the user plane process under control of said device that deals with the control plane process, and a control-plane processing device that takes partial charge of said control plane process (see col. 12, line 50 – col. 13, line 29; col. 15, lines 31-61; col. 9, lines 1-35; col. 10, lines 37-63) cell information to be held in common with said at least one user-plane processing device and when any of said at least one user-plane processing device requests notifying said cell information (see col. 17, lines 29-59). Anderson does not specifically disclose holds in advance at least one item of cell information to be held in common with said user-plane processing device that is under control of the control-plane processing device, decides a user-plane processing device to notify said cell information and notifies said cell information to be held in common with said relevant user-plane processing device to the relevant user-plane processing device. In an

analogous art, Bjelland disclose holding in advance at least one item of cell information to be held in common with said user-plane processing device that is under control of the control-plane processing device (see col. 8, lines 4-14), decides a user-plane processing device to notify said cell information and notifies said cell information to be held in common with said relevant user-plane processing device to the relevant user-plane processing device (see col. 10, lines 10-32). Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to combine these teachings for the simple purpose of facilitating the network communication.

As to claim 22, Anderson discloses control-plane processing device included in a radio access network that has a radio network controller for controlling at least one radio base station, said radio network controller being physically divided into a device that deals with the process of a control plane and at least one device that performs the process of a user-plane under control of said device that deals with the process of said control plane, and said control-plane processing device being adapted to take charge of the process of said control plane (see col. 12, line 50 – col. 13, line 29; col. 15, lines 31-61; col. 9, lines 1-35; col. 10, lines 37-63), cell information to be held in common with said at least one user-plane processing device and when any of said at least one user-plane processing device requests notifying said cell information (see col. 17, lines 29-59). Anderson does not specifically disclose said control-plane processing device holds in advance at least one item of cell information to be held in common with said at least one device that is under control of said control-plane processing device and takes Charge of the process of said user-plane and when said cell information is requested

from said device that takes charge of the process of said user- plane, notifies the item of cell information to be held in common with said device that takes charge of the process of said user-plane. In an analogous art, Bjelland disclose a control-plane processing device holds in advance at least one item of information to be held in common with said at least one device that is under control of said control-plane processing device and takes charge of the process of said user-plane (see col. 8, lines 4-14), and when said information is requested from said device that takes charge of the process of said user-plane, notifies the item of cell information to be held in common with said device that takes charge of the process of said user-plane (see col. 10, lines 10-32). Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to combine these teachings for the simple purpose of facilitating the network communication.

As to claim 23, Anderson discloses control-plane processing device included in a radio access network that has a radio network controller (see fig. 3 and 4, item 26) for controlling at least one radio base station, said radio network controller being physically divided into a device that deals with the process of a control plane and at least one device that performs the process of a user-plane under control of said device that deals with the process of said control plane, and said control-plane processing device being adapted to take charge of the process of said control plane (see col. 12, line 50 – col. 13, line 29; col. 15, lines 31-61; col. 9, lines 1-35; col. 10, lines 37-63), cell information to be held in common with said at least one user-plane processing device and when any of said at least one user-plane processing device requests notifying said cell information

(see col. 17, lines 29-59). Anderson does not specifically disclose in that said control-plane processing device holds in advance at least one item of cell information to be held in common with said at least device that is under control of said control-plane processing device and takes charge of the process of said user-plane; decides a user-plane processing device to notify said cell information; and notifies said cell information to be held in common with said device that takes partial charge of the process of said user-plane to the relevant device that takes charge of the process of said user-plane. In an analogous art, Bjelland disclose a control-plane processing device holds in advance at least one item of information to be held in common with said at least one device that is under control of said control-plane processing device and takes charge of the process of said user-plane (see col. 8, lines 4-14), and when said information is requested from said device that takes charge of the process of said user-plane, notifies the item of cell information to be held in common with said device that takes charge of the process of said user-plane (see col. 10, lines 10-32). Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to combine these teachings for the simple purpose of facilitating the network communication.

As to claim 24, Anderson discloses user-plane processing device included in a radio access network that has a radio network controller for controlling at least one radio base station, said radio network controller being physically divided into a device that deals with the process of a control plane and at least one device that performs the process of a user-plane under control of said device that deals with the process of said control plane, and said user-plane processing device being adapted to take charge of

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the process of said user plane, (see col. 12, line 50 – col. 13, line 29; col. 15, lines 31-61; col. 9, lines 1-35; col. 10, lines 37-63). Anderson does not specifically disclose said user-plane processing device acquires cell information from said device that takes partial charge of the process of said control plane. In an analogous art, Bjelland disclose in that said user-plane processing device acquires cell information from said device that takes partial charge of the process of said control plane (see col. 10, lines 10-32). Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to combine these teachings for the simple purpose of facilitating the network communication.

Regarding claims 9-11, 13-14, 16-18, 20-21 and 25-26 they are rejected for the same reasons as shown in claims 2-4.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARCOS L. TORRES whose telephone number is (571)272-7926. The examiner can normally be reached on 9:30 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-252-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/George Eng/
Supervisory Patent Examiner, Art Unit 2617

/M. L. T./
Examiner, Art Unit 2617